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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

EDWINA BAILEY, individually,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.  
d/b/a SMITH'S FOOD & DRUG #358;  
KATIE WILSON; DOES 1 through 100 and  
ROE CORPORATIONS 1 through 100,  
inclusive,

Defendants.

CASE NO. 2:20-cv-00328-JAD-VCF

**STIPULATION AND ORDER TO  
CONTINUE TRIAL**

**(First Request)**

Pursuant to Local Rules IA 6-1 and 26-3, the Parties, by and through their respective counsel of record, stipulate and agree that the current trial date of February 8, 2022 and all trial related deadlines be vacated and continued to July 5, 2022, or a date thereafter convenient for the Court.

This Stipulation is entered into for the following reasons:

1. Plaintiff's counsel has multiple unanticipated and, in many respects, unavoidable conflicts with the current trial date, including a trial setting in a capital murder case entitled *State*





1 of Nevada v. Durwin Allen, Case No. C-17-323628-1, and a negligence/products liability matter  
2 entitled Kervin Osemwengie v. Las Vegas Razor Adventures, LLC, et al, Case No. A-17-757540-  
3 C.

4 2. The Allen matter is a 2017 capital murder case with an in-custody defendant. On  
5 July 23, 2021, Judge Michael Villani continued the trial from September 20, 2021 to January 24,  
6 2022. The trial is expected to go as presently scheduled and will last approximately two weeks.

7 3. The Osemwengie matter is a 2017 negligence/products liability case in which the  
8 plaintiff, Kervin Osemwengie (“Kervin”) sustained spinal injuries in an off-roading accident,  
9 rendering him an incomplete quadriplegic. On January 15, 2021, Judge Mark Denton issued an  
10 Order setting trial on a four-week stack beginning on February 8, 2022.

11 4. Due to the trial settings in Allen and Osemwengie, a majority of counsel’s time has  
12 and will be consumed litigating these matters. Each of these cases will continue to inhibit  
13 counsel’s ability to sufficiently prepare for and proceed to trial in this case on the current February  
14 8, 2022 setting.

15 5. The continuance requested herein is not sought for purposes of delay, but merely  
16 to accommodate the schedule of counsel and allow sufficient time to effectively prepare for trial  
17 in this matter.

18  
19 DATED this 14th day of December, 2021

20 CHRISTIANSEN TRIAL LAWYERS  
21 /s/ Keely A. Perdue

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DATED this 14th day of December, 2021

COOPER LEVENSON, P.A.  
/s/ Jerry S. Busby

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Attorneys for Defendant

**ORDER**

IT IS THEREFORE ORDERED the jury trial date in the above-entitled matter currently scheduled for February 8, 2022 at 9:00 a.m. is vacated and continued to July 26, 2022 at 9:00 a.m. The Calendar Call currently scheduled for January 31, 2022 is vacated and continued to July 18, 2022 at 1:30 p.m.

IT IS FURTHER ORDERED that all trial briefs, proposed jury instructions, exhibit lists and witness lists are due by noon on July 18, 2022.

IT IS FURTHER ORDERED that all Motions in Limine are due by June 26, 2022. The procedure and rules regarding filing the motions are detailed in the pretrial order at ECF No. 60.

  
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JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE  
Dated: January 4, 2022.

